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UNCLAS SECTION 01 OF 10 TOKYO 001034

SIPDIS

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E.O. 12958: N/A
TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [JA](#)
SUBJECT: 2007 TIP REPORT: JAPAN

REF: STATE 202745

11. (SBU) Embassy's point of contact on TIP issues is
Political Officer Scott Hansen, Office Phone: 81 (3)
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12. (SBU) Embassy Tokyo has spent a total of 207 hours
researching trafficking issues, developing and implementing
TIP programming/training, and coordinating with contacts over
the past year, in support of this report.
This total includes:

Ambassador, 1 hour
DCM, 1 hour
MC/POL 3 hours
01-level POL 2 hour
04-level POL 100 hours
FSN 07-level POL 100 hours

Total Embassy Tokyo on TIP, 207 hours

13. (SBU) OVERVIEW OF JAPAN'S EFFORTS TO ELIMINATE TIP:

Note: This report is keyed to Reftel and includes information
from the Japanese government, international organizations
(IOs), and nongovernmental organizations (NGOs).

1A. Japan is a destination and transit country for men,
women, and children trafficked for commercial sexual
exploitation. Victims came from China, Southeast Asia,
Eastern Europe, and to a lesser extent Latin America. There
continued to be reports of internal trafficking of Japanese
girls for sexual exploitation. There was also anecdotal
evidence of growing trafficking-in-persons for labor
exploitation, including under the guise of the "foreign
trainee" program. According to National Police Agency (NPA)
statistics, there were 58 trafficking victims reported in
2006: 3 were from Thailand, 30 from the Philippines, 10 from
Taiwan, 1 from South Korea, and 14 from Indonesia.

NPA statistics may underestimate the number of actual
victims. There continued to be isolated reports that police
failed to identify victims adequately. NGOs reported that
police and immigration officers occasionally neglected to
classify a woman working in abusive conditions as a victim
because she willingly entered into an agreement to work
illegally in the country. In addition, government figures may
understate the problem because TIP victims are reluctant to
come forward to Japanese authorities out of shame or fear
that they will be punished or deported. Local embassies
assisting victims of trafficking as well as international and
Japanese NGOs suspect that the number of trafficking victims

in Japan vastly exceeds NPA statistics.

Human trafficking in Japan is not limited to foreigners. NPA statistics show a significant increase in the commercial sexual abuse of Japanese children. Almost all (83.1 percent) of the 1,915 documented cases of crimes involving Japanese dating websites were sex crimes against children, including trafficking for sex.

1B. Women trafficked to Japan generally were employed as prostitutes under coercive conditions in businesses licensed to provide commercial sex services. Sex entertainment businesses included strip clubs, sex shops, hostess bars, private video rooms, escort services, and mail order video services. Brokers in the countries of origin recruited women and sold them to intermediaries or employers, who in turn subjected them to debt bondage and coercion.

The changing face of the human trafficking business in Japan was demonstrated by the fact that fewer trafficking victims escaped to private or public shelters this year. This decrease in the number of reported victims may have been because government pressure has forced some employers to improve conditions within their businesses, especially in urban centers, according to NGOs. Restrictions on visas have made workers more valuable and their escape more costly, forcing some brothel owners to provide better working conditions and salary. The influx of women holding spouse visas who tend to be familiar with Japan, as well as know their rights and some Japanese language, has also put upward pressure on hostess-club salaries and conditions.

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The decrease in the number of reported victims could also have been because conditions in many commercial sex businesses have become much more restrictive. To maintain the high profits of trafficking women for sex, many brokers have shifted into "Delivery Health" services, explained a representative from a migrant labor NGO. One advantage of this model for the traffickers is that a "bodyguard" accompanies the victim to and from the call, eliminating any opportunity for escape. Anti-TIP activists say that the conditions in rural areas are as bad as ever, far away from NGO scrutiny or central government law enforcement activity. A former police reporter and TIP researcher told us that entrance to the clubs with the worst working conditions has become more restrictive, usually by membership or referral only.

Brokers were also using more coercive psychological methods to control women, minimizing the numbers who attempt to flee, sources explained. Globalized communication meant that victims had to fear retaliation against their families more than ever, according to one migrant labor NGO. Most women trafficked into the sex trade had their travel documents taken away and their movements strictly controlled by their employers. Victims were threatened with reprisals to themselves or their families if they tried to escape. Employers often isolated the women, subjected them to constant surveillance, and used violence to punish them for disobedience. NGOs reported that in some cases brokers used drugs to subjugate victims. TIP activists who work with victims also reported that many clubs would wait three months before requiring the women to engage in sex. Because they couldn't receive their wages until the end of the six-month stay, most women chose to "stick-it-out" and prostitute themselves rather than lose three months of investment. Even in hostess clubs that do not provide sexual services, punishing women who do not meet quotas psychologically compelled them to sleep with clients in order to persuade them to become regular customers, said the director of a half-way house for former Filipina hostesses.

Debt bondage was another method traffickers used to control

their victims. Before arrival in the country, trafficking victims generally did not understand the size of the debts they would owe, the amount of time it would take them to repay the debts, or the conditions of employment to which they would be subjected upon arrival. Women typically faced debts upon commencement of their contracts from three to five million yen (USD 26,000 to 43,000). In addition, they had to pay their employer for their living expenses, medical care (when provided by the employer), and other necessities. "Fines" for misbehavior added to the original debt over time; in general the process that the employers used to calculate these debts was not transparent. According to a website maintained by the Ministry of Justice, employers also sometimes "resold," or threatened to resell, troublesome women or women found to be HIV positive, thereby increasing the victims' debts and often leading to even worse working conditions.

"Host clubs" were another growing channel for recruitment, coercion, and debt control of women who became victims of sex trafficking, according to NGO activists. These clubs employed male escorts to serve a predominantly female customer-base. Male hosts aggressively recruited female customers in popular youth hangouts, subway stations, and tourist destinations. They targeted their recruitment efforts especially towards women in the sex industry or underage girls. Once a woman agreed to enter the host club, the pricing structures and internal operations of the clubs were designed to create high expenses quickly. According to victim-support NGOs, once a female customer "ran up her bill" and overspent her limit, the male "host" would encourage her to enter or return to the sex industry to make enough money to help pay off her debt. In some cases the host himself became the victim. The media reported one case where organized crime gangsters confined a host who had run away from his club. When the host was returned to the club, he was forced to pay a large fine.

Japanese women and children falling prey to human trafficking also began to receive attention within Japan. According to NGOs, the domestic trafficking industry targeting Japanese girls and women is highly organized and lucrative for the criminal networks. Recruiters were active in subways, popular hangout spots for youth, and at schools. Victim-support groups reported that children were recruited for exploitation

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in child pornography or prostituted by "compensated dating" businesses. The trafficking of Japanese adult women into brothels, hostess clubs, and for exploitation in pornography was also a serious problem, according to NGOs, often involving organized crime. Japanese victims of human trafficking face the same abusive conditions that foreign victims do: violence, debt bondage, and psychological coercion. Because most anti-trafficking NGOs in Japan focus on serving women from other countries, domestic victims of trafficking generally do not have access to service providers who understand the nature of the cases and can meet their specialized needs.

The "foreign trainee" program came under increasing scrutiny for abuses typical to trafficking-in-persons. According to media reports on investigations into abusive company practices, in some companies trainees made less than the minimum wage, and their wages were automatically deposited in company-controlled accounts. "Forced deposits" are illegal in Japan. In addition, trainees sometimes had their travel documents taken from them and their movement controlled to "prevent escape."

Japan continued to be proactive in addressing trafficking-in-persons. The Inter-Ministerial Liaison Committee (Task Force) on trafficking and its working level sub-committee met regularly in 2006 to monitor the implementation of the National Action Plan (NAP) to combat human trafficking, which includes measures to address the "3 Ps:" Protection, Prevention and Prosecution. The Diet

provisionally approved the ratification of the UN Protocol on TIP in 2002, but legislators continued to delay passing an anti-conspiracy law, preventing approval of the umbrella document, the UN Convention on Transnational Organized Crime.

Law enforcement officials continued to improve in investigating human trafficking cases. The government conducted training for law enforcement authorities on victim identification, protection, and interviewing. The NPA organized significant outreach to embassies, NGO groups, and academics by hosting conferences including the Meeting on Organized Crime in the East Asian Region, the International Symposium on Measures to Prevent the Commercial and Sexual Exploitation of Children in Southeast Asia, and the Contact Point Meeting on Trafficking in Persons. Government officials used these conferences to obtain information on new victims, gather information on methods and routes of trafficking, and improve victim identification and protection methods.

In Osaka and Tokyo, the number of establishments selling sex with women under coercive conditions fell, according to researchers who study sex trafficking in the cities' red light districts. Police took advantage of revisions to the Law on Control and Improvement of Amusement Businesses which came into effect in May 2006 to shut down egregious violators in large numbers. Restrictions on advertising were also being enforced, compelling consultants in the "Sex Service Information Centers" that replaced many of the brothels to remove the posters from their interior and exterior walls and wait for clients inside instead of hawking their service on the corners. A photojournalist who published a book about Kabukicho, Tokyo's most famous red-light district, told us that this crackdown had noticeably reduced the seedy appearance of the neighborhood.

¶C. The fact that the sex industry has become less visible also makes it harder to measure the extent of trafficking and harder to investigate it. Embassy contacts in one prefectural police headquarters reported that the police do not like to investigate human trafficking cases; it takes too many officer-hours to close a case and is not career enhancing. In addition, language barriers during victim interviews, restrictions on long-term undercover work and the nonexistence of plea-bargaining in Japan impose limitations on the ability of police to investigate TIP cases. NGO representatives agree that although the decreasing visibility of Japan's trafficking problem is a sign of progress, it makes the road ahead even more difficult.

¶D. The government monitors its efforts to combat trafficking both domestically and in the international community, and has made this information available in private meetings with U.S. and other foreign officials. The government also shared

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these assessments during international conferences and exchanges.

¶4. (SBU) PREVENTION:

¶A. The government recognizes that trafficking is a problem in Japan and understands that human trafficking is an egregious infringement of human rights.

¶B. In April 2004, the Japanese government established the Inter-Ministerial Liaison Committee (Task Force) on TIP. Headed by the Prime Minister's Assistant Cabinet Secretaries, this task force coordinates the TIP-related activities of four governmental agencies: Ministry of Foreign Affairs (MOFA), Ministry of Justice (MOJ), National Police Agency (NPA), and Ministry of Health, Labor and Welfare (MHLW).

¶C. To raise awareness about human trafficking inside Japan,

the Ministry of Foreign Affairs and the National Police Agency distributed more than 500,000 leaflets, glossy brochures, and pamphlets in 2006 that describe the trauma of trafficking-in-persons, report what the government is doing to combat trafficking, and explain how a victim can find assistance. These materials have been distributed to immigration offices and police stations throughout Japan, according to MOFA Human Rights Division officials. This program seems to have been successful in raising the awareness of working level police and immigration officers; NGO representatives say that the increased knowledge of trafficking among law enforcement officials has been one of the most visible improvements in the last two years. The pamphlets also urge Japanese nationals to help victims and gives telephone numbers for the police, immigration bureau offices, embassies and NGO shelters. In addition, the Cabinet Office distributed 25,000 posters stating that "Trafficking-in-persons is a grave violation of human rights" and "Prostitution is a root cause of trafficking-in-persons" during the last year and a half. These posters were circulated nationwide to local governments, police stations, and immigration bureau offices.

1D. Japan emphasizes international cooperation in its approach to preventing trafficking-in-persons. The government dispatched a delegation on anti-human-trafficking measures composed of representatives from Task Force ministries in January 2007 to Cambodia and Laos, source countries of trafficking victims. Delegations were also sent to Indonesia and Thailand in 2006, where they had consultations with concerned government agencies about efficient anti-human-trafficking measures, and learned about local conditions from international organizations and local NGOs.

Japan also funded international organizations working to prevent human trafficking. In October 2006, the government donated \$200,000 to the UNICEF program, "Preventing Child Trafficking in Central Asia," and \$2 million in March 2006 to the International Labour Organization (ILO) project, "Economic and Social Empowerment of Returned Victims of Trafficking," which focuses on giving protection and teaching life skills to trafficking victims in Thailand and the Philippines.

1E. Although the NPA has been reaching out to NGOs, the relationship between the government and NGOs was mixed. At NPA-organized conferences, NGO representatives were given wide latitude in making presentations to the diplomatic, NGO, and law enforcement community. NPA, MOFA, and MHLW officials also regularly attended meetings and conferences on human trafficking organized by NGOs or the International Organization for Migration (IOM), but these exchanges represented the zenith of government-NGO cooperation. According to private shelter operators, law enforcement officials do not draw on NGO expertise to help with victim interviewing. Activists blame traditionally held views and cultural norms for the strict separation between law enforcement and NGOs. Moreover, the Japanese government has moved towards building a victim service infrastructure that does not include NGOs. In this system, victim identification occurs only through Japanese law enforcement, victim's services occur only through publicly funded Women's Consulting Centers, and victim repatriation occurs through governmental and quasi-governmental bodies. All of these vehicles are either directly or heavily associated with the government of Japan, and may not be ideal for victim

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identification for victims who do not trust government sources or will not feel comfortable telling the truth of their situation to government bodies.

1F. One of Japan's greatest successes in combating trafficking has been the tightening of requirements for entertainer visas. A second round of revisions to the criteria for entertainer visas came into effect in June 2006,

requiring applicants to prove that they have two years of experience in the industry, obligating sponsoring organizations to pay a higher salary, and placing a heavier burden on Japanese clubs to prove their legitimacy. As a result, the number of Filipinas entering Japan as entertainers has fallen from 7,000 per month in 2004 to only 1,000 per month this year, according to statistics provided by MOFA's Consular Affairs Bureau, whose officials also examined immigration patterns from Indonesia and Thailand and enacted safeguards to prevent victims of trafficking from getting entry visas. In addition, Japan augmented border control by sending document experts to airports in Thailand as liaison officers where they train Thai officials to recognize fraudulent Japanese travel documents. Immigration officials also screen for victims of trafficking via Pre-Clearance Systems at some airports in Taiwan and Korea, and a Secondary Examination System at the main airports in Japan.

¶G. As noted in paragraph 3, Japan established the Prime Minister's Inter-Ministerial Liaison Committee (Task Force) on Trafficking in Persons in April 2004 under the guidance of the Prime Minister's Office, which coordinates TIP-related activities among the four relevant governmental agencies: MOFA, MOJ, NPA, and MHLW. The group has regular meetings at the Director General and working levels. The National Personnel Authority and the National Public Service Ethics Board are charged with preventing and investigating corruption among government officials in Japan.

¶H. Japan's "Comprehensive National Action Plan of Measures to Combat Trafficking in Persons" was released in December 2004. Focusing on prevention, prosecution, and protection, the Action Plan established specific programs to fight human trafficking and serves as a roadmap for future steps to address TIP. Civil society representatives also have served as advisors to the Inter-Ministerial TIP task force, which formulated the National Action Plan. The Government posted the NAP on the Internet and engages in numerous public activities both domestically and internationally to publicize the plan. Specific venues used to disseminate information on the NAP are listed above in Section C.

¶5. (SBU) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

¶A. The Revised Penal Code was passed by Japan's parliament in June 2005, establishing human trafficking for sexual and/or labor exploitation as criminal offenses as set forth in Article 3 of the UN Protocol on TIP. The law covers both internal and external trafficking. The law includes measures to address all three aspects of U.S. and UN-defined human trafficking: the "Act" element, the "Force" element, and the "Exploitation" element.

In Japan, the following laws are also available to prosecute traffickers:

--Amendments to the Immigration Control and Refugee Recognition Act provide a clear definition of "trafficking in persons," as called for under Article 3 of the UN TIP Protocol. The Immigration Control and Refugee Recognition Act amendments specifically criminalize trafficking. Under these revisions, foreigners who act as brokers of human trafficking may be deported. In addition, a fine of up to 3 million yen (USD 25,000) or 3 years' imprisonment can be imposed on those who create, possess or provide fake passports for foreigners to enter Japan illegally. The revisions oblige airlines and passenger ship companies to verify passengers' passports or face a maximum fine of 500,000 yen (USD 4,167).

--The Prostitution Prevention Law, Article 12, states that a person whose business includes forcing another person to live at a designated place for the purpose of prostitution shall be punished with imprisonment for not more than ten years or a fine of not more than 300,000 yen (USD 2,500).

--The Penal Code, Article 223, states that a person who kidnaps another by force, threat, fraud, etc., for the purpose of profit, immorality, etc., shall be punished with imprisonment for one to ten years.

-- The Law on Control and Improvement of Amusement Businesses went into effect in May 2006. (Note that the 2006 TIP Report says April. The correct month is May.) The law requires entertainment business operators to confirm that foreign workers have work permits. Entertainment service operators who fail to ensure that foreign workers have permits will be fined up to one million yen (USD 8,333). The same penalty would apply to those found guilty of distributing sex service advertisements in residential mailboxes. The revision also cracks down on aggressive "touts" for clubs.

--The Child Welfare Law, Articles 34 and 60, states that a person who keeps a child under his/her control for the purpose of harming the child in mind or body shall be punished with imprisonment for not more than three years or fined not more than 1,000,000 yen (USD 8,333) or both imprisonment and a fine.

--The Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children, Article 8, states that a person who buys or sells a child for the purpose of prostituting the child, or producing child pornography shall be punished with imprisonment for one to ten years. (Note: the law does NOT prohibit the access, downloading, or possession of child pornography).

--The Immigration Control and Refugee Recognition Act, Article 73-2, states that a person who places an alien under his control for the purpose of having the alien engage in illegal work shall be punished (beginning April 2005) with imprisonment for not more than three years, or a fine not more than 2,000,000 yen (USD 16,667) or with both imprisonment and fine.

1B. The following sentencing guidelines apply to human trafficking for both sexual and non-sexual purposes:

--Any person who purchases a victim shall be imprisoned for a term not less than three months but not more than five years.

--Any person who purchases a minor victim shall be imprisoned for a term not less than three months but not more than seven years.

--Any person who purchases a victim for the purpose of profit, indecency, or marriage, or with the intent to do harm to life or body of that victim shall be imprisoned for a term of not less than one year but not more than ten years.

--Any person who sold a victim shall be imprisoned for a term of not less than one year but not more than ten years.

--Any person who sold or bought a victim for the purpose of transportation to a foreign country (including transportation from an overseas country to Japan) shall be imprisoned with a definite term of two years or more.

1C. In addition to the laws described in A. and B., the following laws provide criminal penalties for recruiters, brokers, and business operators who engage in human trafficking for labor exploitation:

--The Labor Standards Law, Articles 5 and 117, states that a person who forces laborers to work against their will by means of violence, intimidation, imprisonment, or any other unfair restraint on the mental or physical freedom of the workers shall be punished with imprisonment for one to ten years or fined 200,000 yen to 3,000,000 yen (USD 1,667-25,000).

--The Employment Security Law, Article 63 states that a person who conducts or engages in an employment exchange, labor recruitment, etc., by means of restraint on mental or physical freedom shall be punished with imprisonment for one

to ten years or fined 200,000 yen to 3,000,000 yen (USD 1,667-25,000).

¶D. The minimum sentence for trafficking-in-persons is generally shorter than the minimum sentence for rape. The punishment for rape in Japan is imprisonment for at least three years and up to fifteen years. The punishment for sexual assault is imprisonment for a period not less than six months and up to seven years.

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¶E. Prostitution is illegal in Japan, but narrowly defined. Many sexual acts for payment that are considered to be prostitution in the U.S. are legal in Japan, regulated as "restricted sex-related businesses." Under the Prostitution Prevention Law, soliciting the services of a prostitute is prohibited, but not criminal. Activities facilitating prostitution, including those of brothel owner, operator, pimp and enforcer, are criminalized and carry punishments including incarceration and fines. Amendments to laws regulating sex-related businesses went into effect in May 2006, further restricting sex business advertising activities and the operation of compensated dating and non-store-front "virtual" brothels (including call girl services).

¶F. The Ministry of Justice provided the following prosecution statistics for 2006 cases involving trafficking for sexual exploitation:

Arrests:	78
Cases sent to the Prosecutor:	22
Cases actually prosecuted:	17
Sentences:	12
Imprisonment & fine:	3
Imprisonment:	9
Suspended Sentences:	3
Terms of imprisonment	
Less 2 years:	2
2-3 years:	5
3-4 years:	3
4-5 years:	1
Greater than 5 years:	1

All fines were less than 500,000 yen (USD 4,167).

There were two cases of trafficking for labor exploitation. Both are pending in courts. Criminals generally serve more of their sentences in Japan than they do in the United States.

¶G. Police, government officials, and NGO representatives all agree that Japanese organized crime syndicates (the Yakuza) are the controlling investors in the sex industry. In addition to acting as brokers for trafficked women, organized crime syndicates also operate brothels and extort protection fees from independent brothel owners. There were no reports of direct involvement by government officials in human trafficking, but academics and journalists who monitor organized crime trends noted that the police rely heavily on their organized crime contacts for information and are careful not to interfere with operations in a way that might compromise these sources. Legal advocates complain that without a program to encourage victim testimony, long-term undercover work by the police, or the ability to plea bargain, it is extremely difficult to make an impact on Yakuza activities.

¶H. Law enforcement officials continued to make progress in investigating human trafficking cases. Several high-profile raids were widely reported by the media, and there was visible evidence of increased awareness among police and immigration officials of the difference between human trafficking and illegal immigration, especially in major metropolitan areas. NGOs acknowledged the general improvement among law enforcement officials, but several activists

reported that indifference remains widespread outside of Tokyo and Osaka. One NGO claimed that in May 2006, police in one prefecture refused to raid a club where Columbian women were forced to service dozens of clients every day because they determined that the women were living as "spouses" with their pimps. (See also Overview, Section C.)

Police and immigration officials gather most of the information for their investigations by interviewing possible victims of trafficking, but the language barrier and quick repatriation of victims often impeded these investigations, according to victim advocates (See also Section 6). Police investigators try to gather information about the broker organizations, passport and visa arrangements; routes from the country of origin to Japan, and any other relevant details. If they can collect enough information they will issue a warrant for the arrest of the traffickers.

The police have limited authority to arrange electronic surveillance, such as cameras and videos, to facilitate investigations of trafficking. As mentioned in paragraph G.,

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the Japanese criminal justice process does not admit evidence or testimony from witnesses obtained through mitigated punishment or offers of immunity.

I. During nation-wide police conferences, the National Police Agency provided guidance to representatives from local police forces on how to investigate TIP cases. Police colleges also provided training courses on how to recognize and investigate human trafficking and protect victims. The Immigration Bureau carried out training programs centered on human trafficking countermeasures. According to Immigration Bureau officials, these trainings involved lectures from IOM lawyers, NGO representatives, and academics. The Ministry of Foreign Affairs also included human trafficking in its consular officer training curriculum, emphasizing the role of careful visa adjudication as a preventive measure.

J. Japan actively cooperated with other countries in investigating human trafficking cases. Law enforcement officials were able to use their relationship with the International Criminal Police Organization (ICPO) to secure the arrest of a broker in a source country as well as initiate protection for the family of a victim back in her home country. Japan also stations an Immigration inspector at Bangkok Airport to assist Thai officials in Japanese passport and visa document recognition.

K. The government can extradite trafficking offenders subject to conditions specified in the Law of Extradition and bilateral extradition treaties. To date, there has never been a request from a foreign country to extradite a suspected human trafficker. Article 2, item 9 of the Law of Extradition prohibits the extradition of Japanese nationals unless a specific extradition treaty exists. Japan has concluded extradition treaties with the United States and Korea. If an extradition treaty does not exist, under Japanese law Japanese nationals may still be prosecuted in Japan for crimes committed in a foreign country, including trafficking-in-persons.

L. There was no conclusive evidence of direct government involvement in human trafficking, but NGO immigration activists note that they can get visas for the family members of foreign nationals residing in Japan much more easily when they employ the services of organized crime "fixers," implying that some government officials might be complicit in visa fraud.

M. N/A

N. Japan is a source country for child sex tourism. Japanese courts have extraterritorial jurisdiction over a Japanese national who has sexual intercourse with a minor in

a foreign country in violation of the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography and the Protection of Children. There were no Japanese who were prosecuted or convicted under this extraterritorial provision in 2006.

10. See below:

-- ILO Convention 182 was signed and ratified in June 2001

-- ILO Convention 29 concerning forced labor was signed in November 1932.

-- ILO Convention 105 on compulsory labor has not yet been ratified.

-- The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography was signed in May 2002 and ratified April 2004.

-- UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons: The Diet provisionally approved the ratification of this UN Protocol in 2002, but legislators continued to delay passing an anti-conspiracy law during the last year, preventing approval of the umbrella document, the UN Convention on Transnational Organized Crime.

16. (SBU) PROTECTION AND ASSISTANCE TO VICTIMS

1A. Japan continued to expand efforts to protect victims of trafficking. In addition to allocating funds to subsidize

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private shelters, the Ministry of Health, Labour, and Welfare utilized its pre-existing network of Women's Consulting Center (WCC) shelters for domestic violence victims as temporary housing for foreign trafficking victims awaiting repatriation. Women identified by immigration authorities as victims who have overstayed their visas are eligible for a special status that allows them to leave the country legally. Twenty-seven women received this special status in 2006. The government also began paying for victims' medical care in 2006 and subsidized repatriation via a grant to the International Office of Migration (IOM). The Embassy has yet to hear from MHLW how many women were protected in private and public shelters last year, but according to the Prime Minister's Cabinet Office website, 18 victims were protected at WCCs between January and October 2006, and IOM representatives told us that they helped 50 women return home with the government's support.

Deficiencies remain in Japan's protection of victims, in spite of these steps forward. Originally only used as shelters for victims of domestic violence, the WCC shelters lacked the resources they needed to provide adequate services to TIP victims. Private shelters usually had full-time staff able to speak seven or more languages, but the WCCs had to rely on interpretation services from outside providers. Even the Kanagawa WCC, referred to by NGOs as the "Cadillac of WCCs," had full-time ability to provide counseling only in Japanese. Without counseling in their native language by professionals familiar with the special needs of trafficking victims, the foreign women staying at WCCs elected to repatriate as quickly as possible. (According to MHLW statistics, the average stay was 17 days.) Private shelter representatives complained that the WCCs are just repatriation centers, and not providers of protection or rehabilitation.

1B. The Japanese government earmarked USD 100,000 in last year for subsidizing victims' stays in private NGO shelters that specialize in assisting victims of human trafficking. Although 52 victims were protected using this fund in fiscal year 2005, very few victims were referred to private shelters last year. In addition, the Tokyo Metropolitan Government

provided 7.2 million yen (USD 6,000) to a private shelter to provide emergency protection to non-Japanese TIP and domestic violence victims. Japan also gave \$330,000 to IOM in 2006 for repatriation and reintegration assistance to victims.

1C. The government continued to work to increase the ability of law enforcement officials to identify TIP victims. The Immigration Bureau distributed the WHO Ethical and Safety Guideline for interviewing trafficked women to all of its offices, and police and immigration officials that raid sex businesses were reminded that workers could be TIP victims. If officers were unsure about a possible victim, they were encouraged to consult with the NPA, WCCs, and/or IOM to confirm the identification of the victim and arrange for protection. Last year, WCCs referred very few victims to specialized NGO shelters.

1D. The government makes efforts to identify TIP victims and has policies and procedures designed to respect their position and protect their rights. Victims who are in Japan illegally are given special status (See paragraph A), and are not jailed, fined, or charged with prostitution.

1E. The government encourages victims to assist in the investigation and prosecution of trafficking in principle, but most victims quickly repatriate. Although victims have the right to file civil suits, very few choose to do so. Japan has a law to distribute seized assets to victims of crime, but TIP victims are not eligible for this compensation. Victims of trafficking are also ineligible for social welfare and are generally unable to work, forcing them to return to their country of origin, whether voluntarily via the special stay permit or by deportation. In addition, fear of reprisals, either to themselves or family members, prevents many victims from testifying or cooperating with investigations.

1F. The government does not provide direct physical protection for individual trafficking victims, but WCCs and NGO shelters take steps to conceal the location of their facilities and work with local police to ensure their security. If the police perceive a possible threat to a victim, they may send the victim to another city or

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prefecture for shelter. There are a number of provisions in Japanese law to protect the anonymity of a victim during courtroom proceedings when there is a threat to his or her safety. If the victim is under 18 years old, the WCC will work with a local Child Guidance Center to provide shelter and services to the victim.

1G. (See also paragraph 5.I.) The NPA has given official guidance to officers outlining how to respond to possible trafficking victims, and includes TIP content in its periodic training meetings with prefectural police. Knowledge of TIP is required for the promotion examination. The NPA also hosted the International Symposium on Measures to Prevent the Commercial and Sexual Exploitation of Children in Southeast Asia, attended by police from throughout the country.

Other government agencies have also integrated TIP into their training programs. Specifically, the Immigration Bureau brings in NGO representatives to serve as trainers on an ad hoc basis and has introduced victim interview materials into the curriculum. MOFA teaches consular officers about human trafficking before sending them to embassies and consulates abroad.

1H. There are no reported cases of repatriated Japanese nationals.

1I. The U.S.-based NGO Polaris Project began operations in Tokyo in 2004, partially funded by GTIP. They opened a telephone helpline in late 2005 and provide victim services at limited temporary shelter facilities.

As noted previously, IOM provides voluntary return assistance for trafficking victims through a grant by Japan.

HELP and SAALAA each operate shelters for victims of trafficking-in-persons.

The Asia Foundation organizes conferences on fighting trafficking-in-persons.

The Japan Trade Union Confederation (RENGO) and other unions provide assistance to possible victims of labor trafficking.
SCHIEFFER